



# PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION  
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**Report No. TEL-01517NS**

**Friday September 2, 2011**

## **Non Streamlined International Applications/Petitions Accepted For Filing**

### **Section 214 Applications (47 C.F.R. § 63.18); Authorize Switched Services over Private Lines (47 C.F.R. § 63.16) and Section 310(b)(4)**

Unless otherwise specified, the following procedures apply to the applications listed below:

The applications listed below have been found, upon initial review, to be acceptable for filing. These applications are not subject to the streamlined processing procedures set forth in Section 63.12 of the Commission's rules, 47 C.F.R. § 63.12. These applications shall not be deemed granted until the Commission affirmatively acts upon the application, either by public notice or by written order. Operation for which authorization is sought may not commence except in accordance with any terms or conditions imposed by the Commission.

Unless otherwise specified, interested parties may file comments with respect to these applications within 28 days of the date of this public notice. We request that such comments refer to the application file number shown below. No application listed below shall be granted by the Commission earlier than the day after the date specified in this public notice for the filing of comments.

Unless otherwise specified, ex parte communications between outside parties and Commission staff concerning these applications are permitted subject to the Commission's rules for "permit-but-disclose proceedings." See 47 C.F.R. § 1.1206.

Copies of all applications listed here are available for public inspection in the FCC Reference and Information Center, located in room CY-A257 at the Portals 2 building, 445 12th Street SW, Washington DC 20554. The center can be contacted at (202) 418-0270. People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty). All applications listed are subject to further consideration and review, and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations, and other requirements.

## Petition for Declaratory Ruling

DoCoMo Pacific, Inc. (DoCoMo or the "Petitioner") requests that the Commission extend its existing declaratory ruling under section 310(b)(4) of the Communications Act of 1934, as amended (the "Act"), to cover Advanced Wireless Services (AWS) licenses it is acquiring from McCotter Hotel Operations, Inc., see ULS File Nos. 0004819444 and 0004840781, and any additional AWS licenses it may later acquire through competitive bidding or in the secondary markets.

The Petitioner maintains that the Commission previously approved DoCoMo's foreign ownership structure pursuant to section 310(b)(4) of the Communications Act, citing Applications of Guam Cellular and Paging, Inc. and DoCoMo Guam Holdings, Inc., WT Docket No. 06-96, FCC 06-167, Memorandum Opinion and Order and Declaratory Ruling, 21 FCC Rcd 13580 (2006). Petitioner states that its current ruling allows indirect foreign ownership by NTT DoCoMo, Inc. and its Japanese shareholders (up to and including 100% of the equity and voting interests) with the exception of Nippon Telegraph and Telephone Corporation (NTT); by NTT and its Japanese shareholders, through NTT's investment in NTT DoCoMo (up to and including 62.15% of the equity and voting interests), with the exception of the Japan Ministry of Finance; and by the Japan Ministry of Finance, through its investment in NTT (up to and including 23.95% of the equity interests and 38.53% of the voting interests) citing Memorandum Opinion and Order and Declaratory Ruling, 21 FCC Rcd at 13614. Petitioner states that its foreign ownership has not materially changed since the grant of that ruling.

According to the Petitioner, DoCoMo is a corporation organized under the laws of Guam and wholly owned by DoCoMo Holdings, Inc., a U.S. corporation which, in turn, is wholly owned by NTT DoCoMo, Inc., a Japanese company which is publicly traded. NTT, a publicly traded, Japanese company, holds approximately 63.41% of the equity and voting interests of NTT DoCoMo and the remaining 37.59% is held by Japanese and overseas corporations and individuals, none of which holds a 5% or greater interest. According to the Petitioner, at least 75 % of NTT DoCoMo's outstanding shares are held by entities from World Trade Organization (WTO) Member countries. Petitioner states that the Japanese government holds approximately 38.41% of the equity and voting interests in NTT and thus approximately 24.35% of the interests in DoCoMo. The remaining 61.59% of NTT stock is owned by Japanese and overseas corporations and individuals, none of which individually holds a five percent or greater ownership interest. NTT's outstanding shares are held at least 75% by entities from WTO Member countries.

The Petitioner asserts that, pursuant to the policies established by the Commission's Foreign Participation Order, 12 FCC Rcd 18158 (2000), the public interest would be served by allowing DoCoMo to acquire AWS licenses in Guam and the Commonwealth of the Northern Mariana Islands for the same reasons applicable to DoCoMo's ruling issued in the Memorandum Opinion and Order and Declaratory Ruling, 21 FCC Rcd 13580.

## REMINDER:

Applicants must certify that neither the applicant nor any party to the application is subject to a denial of federal benefits by federal and/or state courts under authority granted in 21 U.S.C. § 862. See 47 C.F.R. §§ 1.2001–2003.

An updated version of Section 63.09-.25 of the rules, and other related sections, is available at <http://www.fcc.gov/ib/pd/pf/telecomrules.html>